

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, Case No. 1:94-cr-0068
Cleveland, Ohio
Plaintiff, Friday, May 27, 1994

vs.

NAJEH OTTALLAH,
MAHMOUD OTTALLAH,
MUSA, INC.,

Defendants.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JOHN M. MANOS,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: Gregory C. Sasse,
Assistant United States Attorney
801 West Superior Avenue
400 U.S. Court House
Cleveland, Ohio 44113
216-622-3600

For the Defendants Roger M. Synenberg
Najeh Ottallah Law Office of Roger Synenberg
Musa, Inc. Ste. 1200
55 Public Square
Cleveland, OH 44113
216-622-2727

For the Defendant William L. Summers
Summers Scott
Ste. 200
5910 Landerbrook Drive
Cleveland, OH 44124
216-696-0727

Official Court Reporter: Heidi Blueskye Geizer, RMR-CRR
United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113
216-357-7092

Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

1 THE CLERK: Your Honor, the case before the
2 Court this morning is United States of America versus Najeh
3 Ottallah and Mahmoud Ottallah.

4 Would you please come forward?

5 THE COURT: Who is Najeh?

6 NAJEH OTTALLAH: Yes, sir.

7 THE COURT: You are Mahmoud Ottallah?

8 MAHMOUD OTTALLAH: (Nodding.)

9 THE COURT: You appear before me by way of
10 information, as does the corporation of which you are the
11 president.

12 First, Najeh Ottallah, have you been advised of the
13 nature of the charges in the proposed information and of
14 your rights? Do you hereby waive in open court today
15 prosecution by indictment and consent and agree that these
16 proceedings may go forward by information rather than by
17 indictment?

18 NAJEH OTTALLAH: Yes.

19 THE COURT: Is this your signature?

20 NAJEH OTTALLAH: Yes.

21 MR. SYNENBERG: Yes -- no, that's Mr. Summers'
22 signature on there.

23 THE COURT: Pardon?

24 MR. SYNENBERG: I was asked if that was my
25 signature on that waiver, Your Honor.

1 THE COURT: All I am interested in is whether
2 it is his signature, not yours.

3 You are the president of Musa, Incorporated?

4 NAJEH OTTALLAH: Yes, Your Honor.

5 THE COURT: And you are authorized to appear
6 here today --

7 NAJEH OTTALLAH: Yes.

8 THE COURT: -- on behalf of Musa?

9 NAJEH OTTALLAH: Yes.

10 THE COURT: Is this your signature on behalf
11 of Musa?

12 NAJEH OTTALLAH: Yes, it is.

13 THE COURT: Mahmoud Ottallah, having been
14 advised of the nature of the charges in the proposed
15 information and of your rights, do you hereby waive in open
16 court prosecution by indictment, and consent and agree that
17 the proceedings may be by information as opposed to by
18 indictment?

19 MAHMOUD OTTALLAH: Yes.

20 THE COURT: Is this your signature?

21 MAHMOUD OTTALLAH: Yes, it is.

22 THE COURT: Mr. Najeh Ottallah, Mr. Mahmoud
23 Ottallah, and on behalf of Musa, Incorporated, have you
24 received a copy of the information?

25 MAHMOUD OTTALLAH: Yes.

1 NAJEH OTTALLAH: Yes.

2 THE COURT: Have you read it.

3 MAHMOUD OTTALLAH: Yes.

4 NAJEH OTTALLAH: Yes.

5 THE COURT: Do you waive a reading of it,
6 Mr. Synenberg?

7 MR. SYNENBERG: Yes, Your Honor.

8 THE COURT: Mr. Summers?

9 MR. SUMMERS: Yes, Your Honor.

10 May I? I am appearing here instead -- I know it may
11 be confusing, Mr. Martin Welsh's wife of almost 60 years is
12 gravely ill, and she took ill in Florida where they were
13 over the winter. He is pretty much retired. He had been
14 involved in this case from the very beginning. He is
15 counsel of record, and his name is affixed to the plea
16 agreement.

17 He tried very hard to be here. They are going to life
18 flight her, whatever, air ambulance her on Sunday from the
19 Cleveland Clinic in Ft. Lauderdale to Cleveland Clinic here,
20 if she makes it that long. It is pretty sad. They have
21 been married for 25 years.

22 But I am standing here, and he assures the Court he
23 will be here on behalf of the corporation at the time of
24 sentencing.

25 THE COURT: All right. I will have no problem

1 with that.

2 MR. SUMMERS: Thank you, Your Honor.

3 THE COURT: It is my understanding that
4 Mr. Najeh Ottallah has expressed an intent to enter a plea
5 of guilty to Counts 1, 2, and 3?

6 NAJEH OTTALLAH: Yes.

7 MR. SYNENBERG: Yes, sir, that's correct.

8 THE COURT: And that Mr. Mahmoud Ottallah to
9 Counts 1, and 4 through 7.

10 MR. SUMMERS: That's correct, Your Honor.

11 THE COURT: Is that so?

12 MAHMOUD OTTALLAH: Yes, sir.

13 THE COURT: And Musa, Incorporated is in Count
14 1?

15 MR. SASSE: 1,2, and 3, Your Honor.

16 THE COURT: 2 and 3?

17 MR. SUMMERS: Yes, Your Honor.

18 THE COURT: Now, do each of you, and on behalf
19 of the corporation, do you understand you are entitled to a
20 trial by jury?

21 NAJEH OTTALLAH: Yes.

22 MAHMOUD OTTALLAH: Yes.

23 THE COURT: Do you understand you may waive
24 your right to a trial by jury and be tried by this Court?
25 Do you understand that?

1 NAJEH OTTALLAH: Yes.

2 MAHMOUD OTTALLAH: Yes.

3 THE COURT: Respond when I put the question to
4 you. Do you understand me?

5 MAHMOUD OTTALLAH: Yes, sir.

6 THE COURT: If we go to trial you don't have
7 to take the stand to testify against yourself. Do you know
8 that?

9 MAHMOUD OTTALLAH: Yes.

10 NAJEH OTTALLAH: Yes.

11 THE COURT: If we go to trial there is a
12 compulsory process by which witnesses may be summoned to
13 testify on your behalf. Do you understand that?

14 NAJEH OTTALLAH: Yes, sir.

15 MAHMOUD OTTALLAH: Yes.

16 THE COURT: Sir, if you enter a plea of guilty
17 you waive your right to a trial by jury. Do you know that?

18 NAJEH OTTALLAH: Yes.

19 THE COURT: Now, if you enter a plea of
20 guilty, the maximum sentence the Court may impose as to each
21 of these counts is five years in jail, up to five years in
22 jail, a fine of up to \$250,000, up to three years supervised
23 release, and a \$50 special assessment pursuant to statute as
24 to each count.

25 Do you understand that?

1 NAJEH OTTALLAH: Yes, sir.

2 THE COURT: Is there a plea agreement?

3 MR. SASSE: Yes, Your Honor, there is.

4 THE COURT: Would you just in summary spread
5 it on the record?

6 MR. SASSE: Yes, Your Honor.

7 THE COURT: In summary now. I am sure that
8 you have gone over it, Mr. Summers and Mr. Synenberg.

9 MR. SYNENBERG: Yes, Your Honor, we have.

10 MR. SUMMERS: Yes, Your Honor.

11 MR. SASSE: With regard to defendant Najeh
12 Ottallah, in exchange for the guilty pleas that have been
13 just recounted, both parties are recommending that the
14 applicable guideline is 2F1.1; that the loss to the
15 government is \$3,200,000; that the defendant will be given
16 three points for acceptance of responsibility; that there is
17 a two-level enhancement for leadership; that there is a
18 two-level increase for more than one victim of the scheme;
19 and that the defendant will cooperate with the government
20 and receive up to four levels pursuant to such cooperation,
21 and that he will not be charged with additional crimes, and
22 that if he cooperates the low end will be recommended by the
23 government.

24 With regard to defendant Mahmoud Ottallah, he will
25 plead guilty as just recounted. Again, we are recommending

1 the same Guideline Section 2F1.1; the same loss calculation.
2 We are again recommending that he receive three levels for
3 acceptance of responsibility; he will receive two levels for
4 more than one victim; and we are agreeing to a two-level
5 decrease for minor role for him.

6 And, again, he is going to cooperate with the
7 government and will receive up to one level, and if he
8 cooperates the government will recommend the low end of the
9 guidelines, and he will not be charged with additional
10 counts.

11 With regard to the corporation Musa, it will plead as
12 just recounted. And again, we are recommending the same
13 Guideline Section 2F1.1, the same loss figure; a 2-level
14 increase for more than one victim, and a sentence within the
15 guidelines. And for all of the defendants, restitution is
16 left open to the Court.

17 THE COURT: Is this your understanding of the
18 agreement?

19 MR. SUMMERS: Yes, Your Honor.

20 MR. SYNENBERG: Yes, Your Honor, that is the
21 principal thrust of the agreement.

22 THE COURT: Mr. Najeh Ottallah and Mr. Mahmoud
23 Ottallah, having heard the agreement but independent of it,
24 has anybody threatened you in any way or promised you
25 anything to enter a plea of guilty to the counts I have

1 previously articulated?

2 MAHMOUD OTTALLAH: No, Your Honor.

3 NAJEH OTTALLAH: No.

4 THE COURT: On behalf of the corporation, is
5 your answer the same? "No"?

6 NAJEH OTTALLAH: Yes.

7 THE COURT: First, Mr. Najeh Ottallah, this is
8 an information. And Mr. Sasse --

9 MR. SASSE: Yes, Your Honor.

10 THE COURT: Are you listening to me?

11 MR. SASSE: Yes, Your Honor.

12 THE COURT: In the introduction you have the
13 word indictment, and it is information.

14 MR. SASSE: That's correct, Your Honor. That
15 is an error.

16 THE COURT: It is, and it is not permissible
17 that a U.S. Attorney make such errors; is it, Mr. Synenberg,
18 Mr. Summers?

19 MR. SYNENBERG: Well, yes, Your Honor.

20 THE COURT: You want to take issue with that,
21 don't you?

22 MR. SYNENBERG: We would ask -- we would not
23 object to an amendment.

24 THE COURT: If they correct it.

25 MR. SYNENBERG: Yes, sir.

1 MR. SUMMERS: So agree, Your Honor.

2 MR. SASSE: Thank you, Your Honor.

3 THE COURT: Now, the U.S. Attorney charges at
4 all times in this information -- listen carefully -- food
5 stamp coupons are deemed to be obligations of the United
6 States. Now, you owned a grocery store, Musa, Incorporated,
7 doing business under the name of Quality Eagle Supermarket,
8 and located at 8502 Quincy Avenue, in Cleveland, Ohio.

9 Did you from at least as early as January 1, 1988 and
10 continuing at least until December 5, 1991, the exact dates
11 being unknown, in the Northern District of Ohio, Eastern
12 Division, you, Najeh Ottallah, and as to Count 1, you,
13 Mahmoud Ottallah, and as to the corporation Musa,
14 Incorporated, and other individuals and grocery stores both
15 known and unknown, did willfully and knowingly combine,
16 conspire, confederate, and agreed with each other and with
17 others known and unknown to commit offenses against the
18 United States, that is to violate Title VII, Sections
19 2024(b) and (c) of the United States Code, i.e.,
20 unauthorized receipt, possession, and redemption of food
21 stamps; Title 18, Section 4641 of the United States Code, to
22 convey and dispose of obligations of the United States
23 without authority; and Title 18, Section 1001 of the United
24 States Code, i.e., false statements in a matter within the
25 jurisdiction of a department of the United States; and Title

1 18, Section 287 of the United States Code, making false
2 claims upon a department of the United States.

3 You, Najeh Ottallah, and you, Mahmoud Ottallah, and
4 the corporation, Musa, Incorporated, of which you are the
5 president and its authorized executive, continuously
6 accepted, possessed, used, and redeemed United States
7 Department of Agriculture food stamps and Special
8 Supplemental Food Program for Women, Infants, and Children
9 coupons of the value of approximately \$3,200,000, knowing
10 the same to have been received in violation of Food Stamp
11 Program regulations, in that they had not been received from
12 the purchase of eligible grocery items.

13 It was part of the conspiracy and in furtherance of,
14 and to affect the objectives of this conspiracy, you and
15 coconspirators did perform, among others, the following
16 overt acts:

17 You, Najeh Ottallah, on or about January 8, 1986, did
18 complete an application as president of Musa, Incorporated
19 on behalf of Musa, Incorporated, doing business as Eagle
20 Supermarket, to participate in the Food Stamp Program.

21 Two, on or about August 1, 1990, Hani Hamidan, an
22 employee of Muse, Incorporated, doing business as Quincy
23 Eagle Supermarket, purchased United States Department of
24 Agriculture food stamps for cash from an undercover law
25 enforcement officer.

1 On or about September 5, 1990, Hani Hamidan and you,
2 Mahmoud Ottallah, employees of Musa, Incorporated, doing
3 business as Quincy Eagle Supermarket, purchased United
4 States Department of Agriculture food stamps for cash from
5 an undercover law enforcement officer.

6 Four, on or about September 8, 1990, you, Mahmoud
7 Ottallah, an employee of Musa, Incorporated, doing business
8 as Quincy Eagle Supermarket, purchased United States
9 Department of Agriculture food stamps for cash from an
10 undercover law enforcement officer.

11 Five, on or about November 7, 1990, you, Najeh
12 Ottallah, an employee of Musa, Incorporated and its
13 president, doing business as Quincy Eagle Supermarket,
14 purchased United States Department of Agriculture food
15 stamps for cash from an undercover law enforcement officer.

16 Six, on or about February 4, 1991, Hani Hamidan and
17 you, Mahmoud Ottallah, employees of Musa, Incorporated,
18 doing business as Quincy Eagle Supermarket, purchased United
19 States Department of Agriculture food stamps for cash from
20 an undercover law enforcement officer.

21 Seven, on or about June 4, 1991, you, Najeh Ottallah,
22 an employee of Musa, Incorporated, doing business as Quincy
23 Eagle Supermarket, purchased United States Department of
24 Agriculture food stamps for cash from an undercover law
25 enforcement officer.

1 Eight, on or about June 4, 1991, Hani Hamidan advised
2 an undercover law enforcement officer that he and Quincy
3 Eagle Supermarket were interested in purchasing \$6,000 worth
4 of food stamps.

5 Nine, on or about December 2, 1991, you, Najeh
6 Ottallah, an employee of Musa, Incorporated, doing business
7 as Quincy Eagle Supermarket, purchased United States
8 Department of Agriculture food stamps for cash from an
9 undercover law enforcement officer.

10 Ten, on or about December 5, 1991, you, Najeh
11 Ottallah, an employee of Musa, Incorporated, doing business
12 as Quincy Eagle Supermarket, purchased United States
13 Department of Agriculture food stamps for cash from an
14 undercover law enforcement officer.

15 Eleven, on or about December 5, 1991, Quincy Eagle
16 Supermarket possessed Special Supplemental Food Program For
17 Women and Infants and Children coupons of the value of
18 approximately \$12,500, knowing the same to have been
19 received in violation of Food Stamp Program regulations, in
20 that they had not been properly completed at the time of
21 negotiation as is required by law.

22 Between January 6, 1989, and December 14, 1991,
23 Mahmoud Ottallah prepared more than 140 food stamp
24 redemption certificates which certified Quincy Eagle
25 Supermarket's compliance with the regulations of the Food

1 Stamp Program, forging Najeh Ottallah's signature.

2 Thirteen, between January 1, 1988 and December 14,
3 1991, you, Najeh Ottallah, prepared several hundred food
4 stamp redemption certificates which certified Quincy Eagle
5 Superior Market's compliance with the regulations of the
6 Food Stamp Program, all in violation of Title 18, Section
7 371 of the United States Code.

8 First, Najeh Ottallah, did you commit the offense
9 charged in Count 1.

10 NAJEH OTTALLAH: Yes, Your Honor.

11 THE COURT: What is your plea?

12 NAJEH OTTALLAH: Guilty.

13 THE COURT: The court will make the finding
14 that he committed the offense charged in Count 1 and will
15 accept his plea of guilty, and make the finding that it is
16 knowingly and voluntarily entered.

17 Mr. Mahmoud Ottallah, did you commit the offense
18 charged in Count 1 of the indictment?

19 MAHMOUD OTTALLAH: Yes.

20 THE COURT: What is your plea?

21 MAHMOUD OTTALLAH: Guilty.

22 THE COURT: The Court will make the finding
23 that this defendant committed the offense in Count 1 and
24 will accept his plea of guilty, and make the finding that it
25 is knowingly and voluntarily entered.

1 Now, Mr. Najeh Ottallah, directing my remarks to you
2 personally and then to you as the person authorized to
3 appear here before this Court on behalf of Musa,
4 Incorporated, did you, and on behalf of the corporation, on
5 or about the 2nd day of May, 1990, in the Northern District
6 of Ohio, Eastern Division, you then being the president of
7 Musa, Incorporated, doing business under the name Quincy
8 Eagle Supermarket, a corporation with its principal place of
9 business in Cleveland, Ohio, did willfully attempt to evade
10 and defeat a large part of the income tax due and owing by
11 said corporation to the United States of America for the
12 calendar year 1988 by preparing and causing to be prepared,
13 and by signing and causing to be signed, a false and
14 fraudulent U.S. corporation income tax return Form 1120,
15 which was filed with the Internal Revenue Service on behalf
16 of the corporation, wherein it was reported that the taxable
17 income of the corporation for said calendar year was
18 \$79,317, and that the total amount of tax due and owing was
19 \$15,218, whereas, as the defendant and you then well knew
20 and believed, the taxable income of the corporation for
21 calendar year was approximately \$129,317, upon which said
22 income tax said there was owing to the United States of
23 America a total tax of approximately \$33,684, in violation
24 of Title 26, 7201, of the United States Code.

25 Did you commit the offense charged in Count 2?

1 NAJEH OTTALLAH: Yes, Your Honor.

2 THE COURT: The Court will make the finding he
3 committed the offense charged in Count 2. What is your
4 plea?

5 THE DEFENDANT: Guilty.

6 THE COURT: The Court will accept this
7 defendant's plea of guilty and make the finding it is
8 knowingly and voluntarily entered.

9 Count 3, directing my remarks to you personally and to
10 you as the officer representing the corporation.

11 Did you and the corporation on or about the 24th day
12 of September, 1990, in the Northern District of Ohio,
13 Eastern Division, you, who were then president of Musa,
14 Incorporated, doing business under the name Quincy Eagle
15 Supermarket, a corporation with its principal place of
16 business in Cleveland, Ohio, did willfully attempt to evade
17 and defeat a large part of the income tax due and owing by
18 said corporation to the United States of America for the
19 calendar year 1989.

20 This is the same as Count 2, the preamble is. I will
21 go directly to the amounts involved. Would that be
22 acceptable to you, Mr. Synenberg?

23 MR. SYNENBERG: Yes, sir, that's fine.

24 THE COURT: And to you, Mr. Sasse?

25 MR. SASSE: Yes, Your Honor.

1 THE COURT: All right.

2 It was reported that the taxable income for that year
3 for said corporation was \$66,857 and that the total amount
4 of tax due and owing was \$11,714, whereas as the defendants
5 then and there well knew and believed, the taxable income of
6 said corporation for said calendar year was approximately
7 \$116,857, upon which said income there was owing to the
8 United States of America a total tax of approximately
9 \$28,824.

10 Did you and the corporation commit the offense charged
11 in Count 2?

12 NAJEH OTTALLAH: Yes, Your Honor.

13 THE COURT: The Court will make the finding
14 the offense was committed by the defendants. What is your
15 plea?

16 NAJEH OTTALLAH: Guilty.

17 THE COURT: On behalf of both?

18 NAJEH OTTALLAH: Yes, sir.

19 THE COURT: The Court will accept his plea of
20 guilty on his behalf and on behalf of the corporation, and
21 make the finding that it is knowingly and voluntarily
22 entered.

23 Now, going to Count 4. I will deal with the preamble
24 here and then as to the remaining counts, we'll just go to
25 the amounts involved.

1 MR. SASSE: Fine, Your Honor.

2 THE COURT: Is that acceptable, Mr. Summers?

3 MR. SUMMERS: Yes, Your Honor.

4 THE COURT: Mr. Sasse?

5 MR. SASSE: Yes, Your Honor, it is.

6 THE COURT: Mr. Mahmoud, sir, did you on or
7 about -- Count 4 -- the 19th day of September of 1988, in
8 the Northern District of Ohio, Eastern Division, you who
9 were president of Sahar, Incorporated, doing business under
10 the name Lee Road Supermarket, a corporation with its
11 principal place of business in Cleveland, Ohio, did
12 willfully attempt to evade and defeat a large part of the
13 income tax due and owing by the corporation to the United
14 States of America for the calendar year 1987, by preparing
15 and causing to be prepared and by signing and causing to be
16 signed a false and fraudulent U.S. corporation income tax
17 return Form 1120, which was filed with the Internal Revenue
18 Service on behalf of this corporation, wherein it was
19 reported that the taxable income of said corporation for
20 said calendar year was \$6,975 and that the total amount of
21 tax due and owing thereon was \$1,046, whereas as the
22 defendant then and there well knew and believed, the taxable
23 income of said corporation for said calendar year was
24 approximately \$46,975, upon which said income there was
25 owing to the United States of America a total tax of

1 approximately \$7,373, in violation of Title 26, Section
2 7201, of the United States Code.

3 Did you commit the offense charged in Count 4?

4 MAHMOUD OTTALLAH: Yes.

5 THE COURT: The Court will make the finding he
6 committed the offense charged in Count 4. What is your
7 plea?

8 MAHMOUD OTTALLAH: Guilty.

9 THE COURT: The Court will make the finding
10 that his guilty plea is knowingly and voluntarily entered.

11 Count 5. Going down to -- the preamble is the same,
12 the filing of the Form 1120, reported that the taxable
13 income of said corporation for said calendar year was
14 \$13,954 and that the total amount of tax due and owing
15 thereon was \$2,093, whereas, as defendant then and there
16 well knew and believed, the taxable income of the
17 corporation for that calendar year was approximately
18 \$63,954, upon which said income there was owing to the
19 United States of America a total of approximately \$10,989,
20 in violation of Title 26, Section 7201, of the United States
21 Code.

22 Did you commit the offense charged in Count 5?

23 MAHMOUD OTTALLAH: Yes.

24 THE COURT: The Court will make the finding
25 that he committed the offense charged in Count 5. What is

1 your plea, sir?

2 MAHMOUD OTTALLAH: Guilty.

3 THE COURT: The Court will accept his plea of
4 guilty to Count 5 and make the finding that it is knowingly
5 and voluntarily entered.

6 Then going to Count 6 and to the corporation, the same
7 preamble, returned Form 1120 which was filed with the
8 Internal Revenue Service on behalf of the corporation,
9 reported that the taxable income of the corporation for said
10 calendar year was \$27,180 and that the total amount of tax
11 due and owing was \$4,077, whereas defendant then and there
12 well knew and believed the taxable income of the corporation
13 for said calendar year was approximately \$77,180 and a total
14 tax was approximately \$14,491; in violation of Title 26,
15 section 7201, of the United States Code.

16 Did you commit the offense charged in Count 6?

17 MAHMOUD OTTALLAH: Yes, sir.

18 THE COURT: The Court will make the finding
19 that he committed the act charged in Count 6.

20 What is your plea?

21 MAHMOUD OTTALLAH: Guilty.

22 THE COURT: And the Court will accept this
23 defendant's plea of guilty and make the finding it is
24 knowingly and voluntarily entered.

25 Count 7, the same preamble, returned corporate tax

1 return Form 1120 filed with the Internal Revenue Service on
2 behalf of the corporation, reported that the taxable income
3 of the corporation for that calendar year -- and this is
4 1991, June 1991 -- was \$43,384 and that the total amount of
5 tax due and owing was \$6,508, whereas in fact that the
6 taxable income for that calendar year was approximately
7 \$108,384, and the amount of tax that was owed was \$25,520,
8 in violation of Title 26, Section 7201, of the United States
9 Code.

10 Did you commit the offense charged in Count 7?

11 MAHMOUD OTTALLAH: Yes.

12 THE COURT: The Court will make the finding
13 that you committed the offense charged in Count 7.

14 What is your plea, sir?

15 MAHMOUD OTTALLAH: Guilty.

16 THE COURT: The Court will accept this
17 defendant's plea of guilty and make the finding that it is
18 knowingly and voluntarily entered.

19 We will refer this to the probation department for
20 presentence reports.

21 I understand Mahmoud Ottallah is in custody on a state
22 charge.

23 MR. SUMMERS: Correct, Your Honor.

24 THE COURT: Bond for Mr. Najeh Ottallah?

25 MR. SASSE: We would concur with Pretrial

1 Services and recommend \$10,000 unsecured.

2 THE COURT: He can stay out on \$10,000
3 unsecured bond.

4 Anything further?

5 MR. SASSE: No, Your Honor.

6 MR. SUMMERS: No, Your Honor.

7 THE COURT: We are in recess.

8 - - - - -

9

10

11 C E R T I F I C A T E

12

13 I certify that the foregoing is a correct transcript
14 from the record of proceedings in the above-entitled matter.

15

16 s/Heidi Blueskye Geizer May 24, 2013

17 Heidi Blueskye Geizer, RMR-CRR Date

18

19

20

21

22

23

24

25